

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**LuAllen Kettner, as Trustee for the Next-
of-Kin of Lawrence Kettner, decedent,**

Civil No. 08-205 (JNE / SRN)

Plaintiff,

ORDER

v.

Compass Group USA, Inc.,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated July 8, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendant's motion to dismiss (Doc. No. 5) be GRANTED IN PART (insofar as Plaintiff seeks general damages under the MHRA and penal damages under the federal statutes) and DENIED IN PART (insofar as Defendant seeks to strike claims for special damages under the MHRA and any non-penal damages under the federal statutes).

DATED: August 4, 2008.

s/ Joan N. Ericksen
Judge Joan N. Ericksen
United States District Court Judge